

canpfa

The Connecticut Association of Not-for-profit Providers For the Aging

Testimony to the Aging Committee

Presented by Mag Morelli, President

March 3, 2011

Regarding

- **Senate Bill 3, An Act Concerning Criminal Background Checks for Employees of Homemaker-Companion Agencies and Home Health Agencies**
- **Senate Bill 1064, An Act Concerning Notification of Financial Stability of Nursing Home Facilities and Managed Residential Communities to Patients and Residents**
- **Senate Bill 1065, An Act Concerning Fear of Retaliation Training in Nursing Home Facilities**
- **House Bill 6452, An Act Concerning Grievance Committees in Nursing Home Facilities**

Good morning Senator Prague, Representative Serra, and members of the Committee. My name is Mag Morelli and I am the president of the Connecticut Association of Not-for-profit Providers for the Aging (CANPFA). On behalf of CANPFA, I would like to submit testimony on four of the bills that are before you today.

CANPFA is a membership organization representing over 130 mission-driven and not-for-profit provider organizations serving elderly and disabled individuals across the continuum of care including nursing homes, residential care homes, housing for the elderly, continuing care retirement communities, adult day centers, home care and assisted living agencies. CANPFA members are sponsored by religious, fraternal, community, and governmental organizations that are committed to providing quality care and services to their residents and clients. Our member organizations, many of which have served their communities for generations, are dedicated to providing the services that people need, when they need them, in the place they call home.

Senate Bill 3, An Act Concerning Criminal Background Checks for Employees of Homemaker-Companion Agencies and Home Health Agencies

CANPFA supported the Department of Public Health's recent successful effort to obtain a federal grant that will allow our state to establish what providers and state legislators have long wanted to implement, an efficient and centralized procedure for health care providers to conduct background checks on prospective direct care employees. It is our understanding that the Department will be requesting a comprehensive piece of legislation to allow for the implementation of this centralized system and we therefore withhold comment on this proposal in anticipation of supporting the Department's comprehensive proposal.

Senate Bill 1064, An Act Concerning Notification of Financial Stability of Nursing Home Facilities and Managed Residential Communities to Patients and Residents

CANPFA supports the concept of transparency and informed decision making, but we cannot support this bill as written. This proposal is written in a manner that could be interpreted as requiring every nursing home and every managed residential community to notify potential residents if they have filed for bankruptcy or in the case of a skilled nursing facility, if they have been placed in receivership – regardless of whether or not they have ever filed for receivership or have ever been in receivership. It is not fair to require a financially viable nursing home or managed residential community to state to prospective customers that they “have not filed for relief under the United States Bankruptcy Code.” The negative connotation of associating the organization with the concept of bankruptcy filing or receivership when they are *not in* bankruptcy or receivership is harmful to the reputation of the organization and does not help the consumer.

Senate Bill 1065, An Act Concerning Fear of Retaliation Training in Nursing Home Facilities

We would respectfully suggest that the second bullet of the required training discussion be reworded to state, “(2) *examples of what residents might perceive to be retaliation.*” This suggested language change is less inflammatory while at the same time more inclusive of the fears that may be very real to the resident, but not recognized by staff.

House Bill 6452, An Act Concerning Grievance Committees in Nursing Home Facilities

This proposal would require that nursing facilities establish specific grievance committees consisting of two employees and one resident to review facility grievance policy and resolve resident grievances. We do not support this proposal, but would be willing to work with the committee on any specific issues regarding grievance policies and procedures that may have motivated it.

The committee that is proposed in this bill is of concern. A mandated committee structure that includes a resident member is a problem because given the nature of the nursing home population; it will be difficult to find a resident capable of serving on such a committee for one year. In addition, having a resident member of a committee that would be involved in the resolution of other residents’ grievances is not advisable as often grievances are about other residents or involve confidential personal issues that should not be resolved by a fellow resident.

Current law, Resident Bill of Rights 19a-550(b)(5) and (6), provides that a resident “may voice grievances...free from restraint, discrimination, etc.. The resident also has the right to “have prompt efforts made by the facility to resolve grievances the patient may have, including those with respect to the behavior of other patients.” Federal OBRA regulations contain similar requirements -- right to voice grievances and have them resolved promptly. (42 CFR 483.10(f).) Due to the resident rights provisions, facilities have grievance policies in place already and it is best to give facilities flexibility in implementing policies that work for them.

Thank you for this opportunity to provide this testimony and I would be happy to answer any questions.

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